

**Hazel Roby, as Administratrix of the Estate
of Ronald Tyrone Roby, Deceased**

v.

Benton Express, Inc.

**Exhibit E
Plaintiff's Response to
Defendant's Reply Brief**

**Excerpts from the Deposition of
Roland Brown**

FREEDOM COURT REPORTING

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1 IN THE UNITED STATES DISTRICT COURT FOR
2 THE MIDDLE DISTRICT OF ALABAMA
3 NORTHERN DIVISION

4
5 CASE NUMBER: 2:05CV194-T

COPY

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7 HAZEL M. ROBY, as Administratrix of the
8 Estate of RONALD TYRONE ROBY, Deceased,
9 Plaintiff,
10 vs.

11
12 BENTON EXPRESS, INC., et al.,
13 Defendants.

14
15 S T I P U L A T I O N

16 IT IS STIPULATED AND AGREED by
17 and between the parties through their
18 respective counsel, that the deposition
19 of ROLAND BROWN may be taken before
20 Leslie K. Hartsfield, at the offices of
21 Beasley, Allen, Crow, Methvin, Portis &
22 Miles, P.C., 218 Commerce Street,
23 Montgomery, Alabama, 36103,

367 Valley Avenue
Birmingham, Alabama 35209
1-877-373-3660

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1 Lines. But I've pointed out some of the
2 advantages to Central Alabama Transport
3 and -- which is the trucking division of
4 Coral Industries. And they are
5 seriously considering it and I have
6 strongly recommended it to them.

7 Q. But as of right now, Coral
8 does not have it?

9 A. Well, I don't -- I don't
10 think they've done it yet. I think they
11 are -- they are waiting to get the
12 figures back from me. It would be
13 Central Alabama Transport, not Coral.
14 Because Coral is not an over-the-road
15 operation. Central Alabama Transport
16 is. Central Alabama Transport is the
17 transportation division of Coral
18 Industries.

19 Q. As I understand your
20 opinions in this case, you believe
21 Benton Express should have had Qualcomm
22 or something similar, GPS?

23 A. Well, yes. I think they

1 should have -- should have had some type
2 of a tracking system, GPS. Simply
3 because they advertise that they have
4 the latest in technology. On their web
5 page, they present to their customers
6 and potential customers that they have
7 the latest in technology and certainly
8 global positioning systems are the
9 latest in technology. And plus the fact
10 that if they're not going to have that
11 they certainly need some tracking system
12 and they need to have a plan, not only a
13 plan, they need to have a procedure and
14 they need to enforce a procedure for
15 tracking.

16 Q. I'm just talking about GPS
17 alone at the moment. Is it your opinion
18 that it is the industry standard now to
19 have GPS in trucks?

20 A. I -- I would say yes, that
21 it's getting to be. It may not be
22 totally the industry standard but it's
23 getting closer to it and there's

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1 certainly a lot of indication that it is
2 getting to be the trucking -- the
3 industry standard, yes.

4 Q. So you would believe that
5 Benton Express is in violation of that
6 industry standard by not having it?

7 A. That or -- or some other
8 system. Some type of tracking system,
9 yes.

10 Q. So anyone who doesn't have
11 it such as your other client, Coral
12 Industries, would be in violation of the
13 industry standard by not having GPS in
14 their trucks?

15 A. Well, I think it depends --
16 depends on the size of the fleet, the
17 operation they carry on, what kind of
18 safety procedures they have in place and
19 are exercising. But yeah, I told Coral
20 I think they're in violation of a safety
21 tool that is -- that is vitally
22 important to the safe operation of
23 their -- of their Central Alabama

1 experience as to what type of operation
2 the company has as to whether or not
3 they use Qualcomm?

4 A. No, I don't think it matters
5 the type of operation they have. I
6 think it matters in the -- in today's
7 economy and in today's world of events
8 and with the height of recognition of
9 terrorism and hijackings, this type
10 thing, and Benton certainly has
11 recognized these are -- are threats.
12 I -- I think the type operation you have
13 the -- I don't think it necessarily
14 relates to the type of operation. I
15 think it relates to your emphasis on
16 trying to -- to know where your trucks
17 are. Certainly if you're going to
18 advertise and you're going to promote to
19 your customer base that you have the
20 latest in technology, then I think you
21 need to have the latest in technology
22 and I think GPS falls into that
23 category.

1 Q. What benefit does the GPS
2 have to the customers of Benton
3 Express?

4 A. Well, it would have the
5 opportunity; for example, if they're
6 running from Atlanta to Pensacola, they
7 can't track that shipment from the time
8 it leaves Atlanta until it gets to
9 Pensacola according to the testimony
10 that -- that I've read. They have an
11 in-house computer system that is a
12 tracking system, but they can't tell a
13 customer if that truck is in route from
14 Atlanta to Pensacola, they can't say
15 that your truck or the trailer with your
16 shipment on it is going to be here at X
17 hour. All they can do is -- is to work
18 off of experience they've had and a
19 pattern that has been set. If they
20 had -- if they had Qualcomm or some GPS
21 system, they can say that truck is 18
22 miles south of Montgomery and his
23 anticipated arrival time here is X

1 hours.

2 Q. You think -- it's your
3 testimony that there is a business need
4 for Benton Express to be able to tell
5 their customers where between Atlanta
6 and Pensacola their shipment is
7 precisely rather than it's somewhere in
8 between.

9 MR. BOONE: Object to the
10 form. And I think testimony by
11 corporate representative --

12 MR. ROSS: Well, LaBarron,
13 that's an objection to the form and then
14 some speaking objection that follows it
15 which I don't want him to take any clue
16 from. You know where I'm coming from
17 there.

18 MR. BOONE: (Nodded head
19 affirmatively.)

20 A. I think it has a direct
21 relationship to Benton's own
22 publications where they can say --

23 Q. I'm not talking about that.